

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in the historic courtroom in Mariposa, California at 9:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Dennis A. Cornell, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Elaine J. Duffy, Supervising Deputy Clerk.

**F039610      People v. Shue**

Cause called and argued by Stephen Greenberg, Esq., counsel for appellant and by Sean M. McCoy, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

**F040246      People v. Rivera**

Cause called and argued by Richard A. Levy, Esq., counsel for appellant and by Sean M. McCoy, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

**F039653      People v. Matos**

Cause called and argued by Marilyn Drath, Esq., counsel for appellant and by Laura Simpton, Esq., Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, April 30, 2003 at 10:00 A.M.

**F039713      People v. Walton**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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**F039713      People v. Walton**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F038763      Rudnick v. Rudnick**

The judgment is reversed. The parties are to each bear their own costs on appeal. Dibiaso, Acting P.J.

We concur: Vartabedian, J.; Gomes, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F039832      Nevocal Enterprises, Inc. v. Board of Education of the Fresno Unified School Board; Tech Four Construction**

The judgment is affirmed. Respondents shall recover their costs on appeal. Dibiaso, Acting P.J.

We concur: Vartabedian, J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040468      People v. Hawes, III**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F040468      People v. Hawes, III**

The judgment of conviction is affirmed. The sentence is vacated and the cause is remanded to the trial court to conduct a new sentencing hearing in accordance with this opinion.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F040384      People v. Chavez**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F040384      People v. Chavez**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F041533      In re Kylie B., a Minor.**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

**F041533      In re Kylie B., a Minor.**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]